IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION No. 6055 OF 2005

Jagdish Shantaram Navghare
v.
Sau. Kamal Shankarrao Khudsange & ors.

Office Notes, Office Memoranda of Coram appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

Mr. M.R.Joharapurkar Advocate for Petnr.
None for respondents.

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CORAM: A.B. CHAUDHARI, J.

DATED : 09th JULY, 2007.

Heard Mr.Joharapurkar, learned counsel for the petitioner. None for the respondents.

2. What is under challenge is an order made by the appellate Court allowing the application for amendment of the plaint. The amendment was sought by the original plaintiffs saying that the trial Court found the defendants to be in possession, upon hearing of the suit. In view of this position, the

application for amendment was made and Mr.Joharapurkar does not dispute the fact that the relief for possession is being sought in the amendment application. If that is so, the petitioner is put to face litigation again. Fact remains that the civil rights of the defendants to claim possession of the suit property cannot be denied to him. I do not find any error in the order made by the appellate Court in allowing the amendment. The appellate Court has awarded costs of Rs.300/- while allowing the application for amendment. The petition is therefore dismissed. No order as to costs.

JUDGE

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